

REMARKS

Reconsideration of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

This amendment has been made to put this application in condition for immediate allowance.

Claims 4 to 7, 10-22, and 26 remain withdrawn from consideration without prejudice to Applicant's right to pursue the subject matter of these claims in a future continuation application.

Claim 1 and 23 to 25 have been amended to more particularly point out and distinctly claim applicants' invention by making corrections to the previously filed amendment of "consisting essentially of" to "consisting of" in compliance with Revised Amendment Format 37 CFR 1.121 as suggested by the Examiner in the Office Action dated 02/25/04 at page 2, first paragraph. Also, claim 1 was amended to reflect a composition containing "four or more" of the listed compounds instead of "two or more." Further, claims 23 to 25 have been amended to reflect a daily dosage of the claimed composition. No new matter has been added.

Entry of this Amendment is respectfully requested.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1 and 23-25 have been rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors at the time the application was filed had possession of the claimed invention.. Applicants have amended claims 1 and 23 – 25 to more particularly point out and distinctly claim applicants' invention by specifying that the dosage form is to be administered daily, the daily administration is fully supported by the disclosure of the current application as pointed out by the Examiner in the specification at page 6. Applicants respectfully request reconsideration and withdrawal of the rejection of pending claims 1 and 23-25.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1 and 23-25 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.. Applicants have amended claims 1 and 23 – 25 to eliminate the language regarding the means of administration of the compositions clarifying that which the applicant claims as the invention.

Rejection under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by entries 1701 (Calcium citrate), 5699 (Magnesium citrate), and 1688 (calcium ascorbic acid) of the Merck index and by calcium pantothenic acid. Applicants have amended claim 1 to claim a composition containing four or more of the listed components. These references do not teach a composition that contains all of the limitations of the claimed compositions since each composition does not contain at least four of the listed components as claimed in the present invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of newly amended claim 1 under 35 U.S.C. § 102(b).

Rejection under 35 U.S.C. § 103(a)

Claim 1 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mothernature.com in view of Whole Health Discount Center. Applicants respectfully traverse.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to combine reference teachings. Second, there must be reasonable expectation of success. Third, the prior art references, when combined, must teach or suggest all the claimed elements.

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Here, although the above named references claim a composition that has calcium and citrate in them, Applicant has amended claim 1 to reflect a composition containing at least 5 of the listed components. The composition of both Mothernature.com and Whole Health Discount Center do not contain at least four of the listed components in newly amended claim 1. Also, there is no motivation or suggestion to a skilled artisan, in Mothernature.com view of Whole Health Discount Center, to combine the components of Mothernature.com with the components of Whole Health Discount Center in order to prepare the claimed composition. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of newly amended pending Claim 1 under 35 U.S.C. § 103(a).

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CONCLUSION

Applicant believes that this Application is now in condition for allowance and such action is respectfully requested. If for any reason the Examiner believes that contact with the Applicant's attorney would advance the prosecution of this application, he is invited to contact the undersigned at the number given below.

Date: May 25, 2005

Respectfully Submitted,
KENYON & KENYON

A handwritten signature in cursive script, appearing to read 'Serena Farquharson', written over a horizontal line.

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